


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: **John Douglas Shuker**
SERIAL NO.: **10/068,641** GROUP ART UNIT: **3676**
FILED: **February 6, 2002** EXAMINER: **Mark A. Williams**

FOR: **VEHICLE DOOR HINGE**

**CERTIFICATE OF TRANSMISSION
UNDER 37 CFR 1.8**

I hereby certify that this correspondence is being transmitted to the United States Patent Office via EFS Web, on June 25, 2007.


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DATE: June 25, 2007

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Included below is a concise summary of arguments for which this review is requested. A request for a three-month extension of time and a Notice of Appeal accompany this request.

REASONS FOR THE REQUEST

The Examiner's rejection of Claim 1 in the most recent Office Action, as well as the earlier rejections in the previous office action, omit essential elements required to establish a prima facie rejection. In particular, the Examiner has not provided a reference that teaches or suggests at least the claim element of hinge pin engagement means including "a spherical surface of a given radius seated in an annular groove of a curved section" that prevents "any axial movement of the hinge pin relative to said other hinge leaf." In light of this clear deficiency in the rejections, a pre-appeal panel review is requested.

The Examiner rejected Claim 1 under 35 U.S.C. §103(a) as being unpatentable over U.S. Pat. No. 4,715,090 to Morris ("Morris"), in view of DE 1,584,006 ("DE '006"). Claim 1 recites a "hinge pin retention means having hinge pin engagement means movably mounted on said other hinge leaf for movement between first and second positions, the engagement means including a spherical surface of a given radius seated in an annular groove of a curved section, the curved section having a radius of curvature the same as said given radius so as to permit rotation of the hinge pin but prevent any axial movement of the hinge pin relative to said other hinge leaf." In rejecting Claim 1, the Examiner alleged that Morris describes a locking screw 22 and equated the locking screw to the claimed hinge pin retention means. The claimed hinge pin retention means includes hinge pin engagement means. The Examiner cited the locking screw for certain aspects of the hinge pin engagement means, but admitted that Morris does not describe all aspects of the hinge pin engagement means.

In particular, the Examiner admitted that Morris does not disclose "a spherical surface of a given radius seated in an annular groove of a curved section, the curved section having a radius of curvature the same as said given radius so as to permit rotation of the hinge pin but prevent any axial movement of the hinge pin relative to said other hinge leaf." However, the Examiner generally cited DE '006 for these aspects of the hinge pine engagement means. Although the Examiner cited Morris for certain aspects of the hinge pin engagement means and DE '006 for other aspects of the hinge pin engagement means, the Examiner did not provide any details regarding how these two different references can be combined or the reasons for combining the references. As previously argued, Morris describes a locking screw and DE' 006 describes a grooved hinge pin and a spring loaded ball that engages with the grooves in the hinge pin. *See* Response filed March 12, 2007, pages 3-4, Response filed December 20, 2006, page 10. The structures cited by the Examiner are dissimilar. The failure to describe in detail how the two dissimilar structures can be combined to form the claimed hinge pin engagement means renders the rejection deficient.

The Examiner alleged that DE '006 provides a "general engagement design" (emphasis added) and cited element 14, which the Examiner equated to the claimed "annular groove of a curved section," and alleged that it would have been obvious to have "included in the design of Morris such a modification as generally provided by Smith" (emphasis added). The Examiner's citation to DE '006's "general engagement design" and "modification as generally provided" by DE '066 do not provide sufficient detail, especially since the Examiner is relying upon both references to reject a single claimed element, the hinge pin engagement means. The insufficiency of this aspect of the rejection of Claim 1 was previously argued in at least the Response filed March 12, 2007, pages 2-3, Response filed December 20, 2006, page 10, and Response filed September 29, 2006, pages 8-9.

As previously argued, the groove 14 in the hinge pin of DE '006 includes sloping stop faces 16, 17 and square stop faces 18, 19. *See* Abstract, DE '006, Response filed March 12, 2007, page 3, Response filed September 29, 2006 page 10. The sloping stop faces allow the hinge pin to move so that the leaf hinges can be decoupled without the pin falling out. *See* Abstract, DE '006, Response filed March 12, 2007, page 3, Response filed September 29, 2006, page 10. The Examiner's reliance upon DE '006 to describe the "annular groove of a curved section" is factually deficient since the reference only describes a groove with sloping stop faces and square stop faces.

As previously argued, the claimed "annular groove of a curved section" produces unexpected results since the sloping faces described in DE'006 allow the hinge pin to move and allows the leaf hinges to decouple, whereas the claimed annular groove of a curved section prevents "any axial movement of the hinge pin relative to said other hinge leaf". *See* Response filed March 12, 2007, page 3.

In light of the foregoing, the rejection of Claim 1 is deficient for failing to provide a citation for the claimed hinge pin engagement means that includes "an annular groove of a curved section" and that "prevents any axial movement of the hinge pin relative to said other hinge leaf."

No amendments have been made to Claim 1 the claims since the amendment made in the Response dated October 12, 2005 to address an objection to the claim. The remaining claims in the application, Claims 2-4, 6, 8-11 and 13-25, have been allowed. In light of the above, allowance of all of the pending claims is respectfully requested.

Respectfully submitted,



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DATE: **JUNE 25, 2007**
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